

DOCKET FILE COPY ORIGINAL

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

| | | |
|------------------------------------|---|----------------------|
| In the Matter of |) | |
| |) | |
| Amendment of Section 73.202(b) |) | MM Docket No. 99-144 |
| Table of Allotments, |) | RM-9538 |
| FM Broadcast Stations |) | |
| (Arcadia, Louisiana, Wake Village, |) | |
| Texas and Hodge, Louisiana) |) | |

RECEIVED

JUN 25 1999

To: The Chief, Allocations Branch

FCC MAIL ROOM

COMMENTS AND COUNTERPROPOSAL

Comes now Contemporary Communications ("Contemporary"), pursuant to Section 1.415 of the Commission's Rules, and submits the following "*Comments and Counterproposal*" in response to the *Notice of Proposed Rule Making* in the above-captioned proceeding 1/.

The *Notice* proposed to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, by substituting Channel 223C3 for Channel 223A at Wake

1/ The *Notice* was released May 7, 1999. FCC DA 99-866. The NPRM specified "[i]nterested parties may file comments on or before June 28, 1999, and reply comments on or before July 13". Thus, the instant comments are timely filed.

Village, Texas, and Channel 231C3 for Channel 223A at Arcadia, Louisiana. The Notice was adopted in response to a *Petition for Rule Making* filed by Houston Christian Broadcasters, permittee of Channel 223A at Wake Village, Texas.

CONTEMPORARY'S COUNTERPROPOSAL

Contemporary hereby proposes the allotment of Channel 231C2 to Hodge, Louisiana, as that community's first local FM service. Hodge (population 562) ^{2/} is an incorporated community located in Jackson Parish, Louisiana (population 15,705). Hodge has its own Post Office (zip code 71247), its own city hall, a police department and a fire department. Hodge also has several churches, including Hodge United Methodist Church, Hodge Baptist Church, Hodge Assembly of God and Hodge United Pentacostal Church. Hodge also has a bank (Hodge Bank & Trust), a school (Hodge Elementary), and various businesses, including Hodge Insurance, Dollar General, East Side Grocery, Copeland's Electric, Movies Galore, Johnny's Jewelry and Village Home Apartments. Hodge also has its own Southwest Bell telephone exchange (259). As such, Hodge possesses all the indicia of a community for allocation purposes.

NEW SERVICE AT HODGE SHOULD BE PREFERRED OVER UPGRADES AT WAKE VILLAGE AND ARCADIA

In accordance with the allotment criteria set forth in *Revision of FM Policies and Procedures*, 90 FCC2d 88, 51 RR2d 807 (1982), *recon. denied* 56 RR2d 448 (1984), conflicting proposals are weighed as follows:

^{2/} Population figures from the 1990 United States census.

- (1) First full-time aural service;
 - (2) second full-time aural service;
 - (3) first local service;
 - (4) other public interest matters.
- [(Co-equal weight given to priorities (2) and (3).)]

The allotment of Channel 231C2 to Hodge would represent the first local service to that community (Priority 3), whereas the substitution of higher-class channels at Wake Village and Arcadia must be weighed under Priority 4. As such, Contemporary's counterproposal must be preferred as it would provide a first service to Hodge, Louisiana. The communities of Wake Village and Arcadia would retain the existing Class A channels (although neither the Wake Village or Arcadia station is currently operating, each represents the sole broadcast service in their respective communities).

EXPRESSION OF INTEREST

As noted above, Contemporary Communications hereby expresses its support for the allocation of Channel 231C2 at Hodge, Louisiana, and will, upon adoption of a Report and Order allocating Channel 231C2 to Hodge, file an application for a construction permit for a new station at Hodge. If granted, Contemporary will construct and operate a new FM station at Hodge, Louisiana.

CONCLUSION

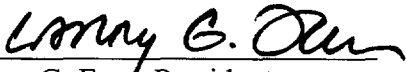
Based on the foregoing, we respectfully request that this proposal be adopted and the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, be amended to include the allotment of Channel 231C2 at Hodge, Louisiana.

VERIFICATION

In accordance with Section 1.52 of the Commission's Rules, I, Larry G. Fuss, President of Contemporary Communications, certify that I have examined the foregoing "Comments and Counterproposal" at that it is true and correct to the best of my knowledge and belief.

Respectfully submitted,

CONTEMPORARY COMMUNICATIONS



Larry G. Fuss, President

P.O. Box 1787

Cleveland, MS 38732

Phone (662) 846-1787

Fax (662) 843-1410

June 21, 1999

CERTIFICATE OF SERVICE

I, Larry G. Fuss, certify that I have this 21 day of June, 1999, sent by regular United States mail, postage prepaid, a copy of the foregoing "Counterproposal" to the following:

Mr. John A. Karousos
Chief, Allocations Branch
Policy & Rules Division
Mass Media Bureau
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Mr. Jeffrey D. Southmayd
SOUTHMAYD & MILLER
1220 19th Street, NW, Suite 400
Washington, DC 20036
(Consul to Houston Christian Broadcasters)

Charles & Pattie Odom
1004 Elm Street
Minden, LA 71055


Larry G. Fuss



Contemporary Communications

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P.O. BOX 1787 □ CLEVELAND, MS 38732**

TECHNICAL EXHIBIT

**IN SUPPORT OF
PETITION FOR RULE MAKING
NEW FM - CHANNEL 231C2
HODGE, LOUISIANA
(COUNTERPROPOSAL TO MM DOCKET NO. 99-144)**

CONTEMPORARY COMMUNICATIONS

Prepared June 21, 1999

CONTEMPORARY COMMUNICATIONS

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TECHNICAL EXHIBIT

**IN SUPPORT OF
PETITION FOR RULE MAKING
NEW FM - CHANNEL 231C2
HODGE, LOUISIANA
(COUNTERPROPOSAL TO MM DOCKET NO. 99-144)**

CONTEMPORARY COMMUNICATIONS

INTRODUCTION

This Technical Exhibit supports the petition of CONTEMPORARY COMMUNICATIONS, seeking to amend the FM Table of Allotments, Section 73.202(b) of the Rules, by allocating FM Channel 231C2 to Hodge, Louisiana, as that community's first local FM channel. Contemporary's petition is submitted as a counterproposal in MM Docket No. 99-144, in which Channel 231C3 has been proposed as a non-adjacent channel upgrade for Channel 223A at Arcadia, Louisiana. Channel 231C2 at Hodge, Louisiana, is mutually-exclusive with Channel 231C3 at Arcadia, Louisiana.

ALLOCATION

A study was performed using the computerized SEARCHFM frequency search program and the current FCC/NTIS database to determine if Channel 231C2 could be allocated in compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules. The study included all applicable co-channel, adjacent-channel and IF separations. The results of that study indicate that Channel 231C2 may be allocated

Contemporary Communications

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to Hodge in full compliance with Section 73.207(b), provided a site-restriction approximately 33 kilometers southwest of the community were imposed.

The "area-to-locate" for Channel 231C2 is indicated on Exhibit A, attached hereto. The exhibit depicts the required separation arcs from all pertinent co-channel and adjacent channel stations and allocations. As indicated, there is an area in which to locate a transmitter site which would, assuming maximum Class C2 facilities (50 kw @ 150 meters above average terrain), enable the proposed station to provide adequate city-grade (70 dBu) coverage to the entire city, in full compliance with Section 73.315(a) and (b).

CONCLUSION

As noted above, the allocation of Channel 231C2 to Hodge, Louisiana, is mutually-exclusive with the allocation of Channel 231C3 at Arcadia, Louisiana. Channel 231C2 is the only available Class C2 channel available for allocation at Hodge. Allocating Channel 231C2 to Hodge would provide a first local service to that community, while retaining Channel 223A at Arcadia, Louisiana.

A copy of the separation study for Channel 231C2 is attached hereto as Exhibit B and made a part of this report (only those stations and channels sufficiently close for concern are noted therein).

Contemporary Communications

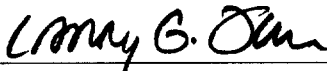
PHONE (601) 846-1787 □ FAX (601) 843-0494
P.O. BOX 1787 □ CLEVELAND, MS 38732

CERTIFICATION

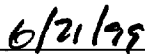
State of Mississippi)
) ss.
County of Bolivar)

I, Larry G. Fuss, do hereby certify as follows:

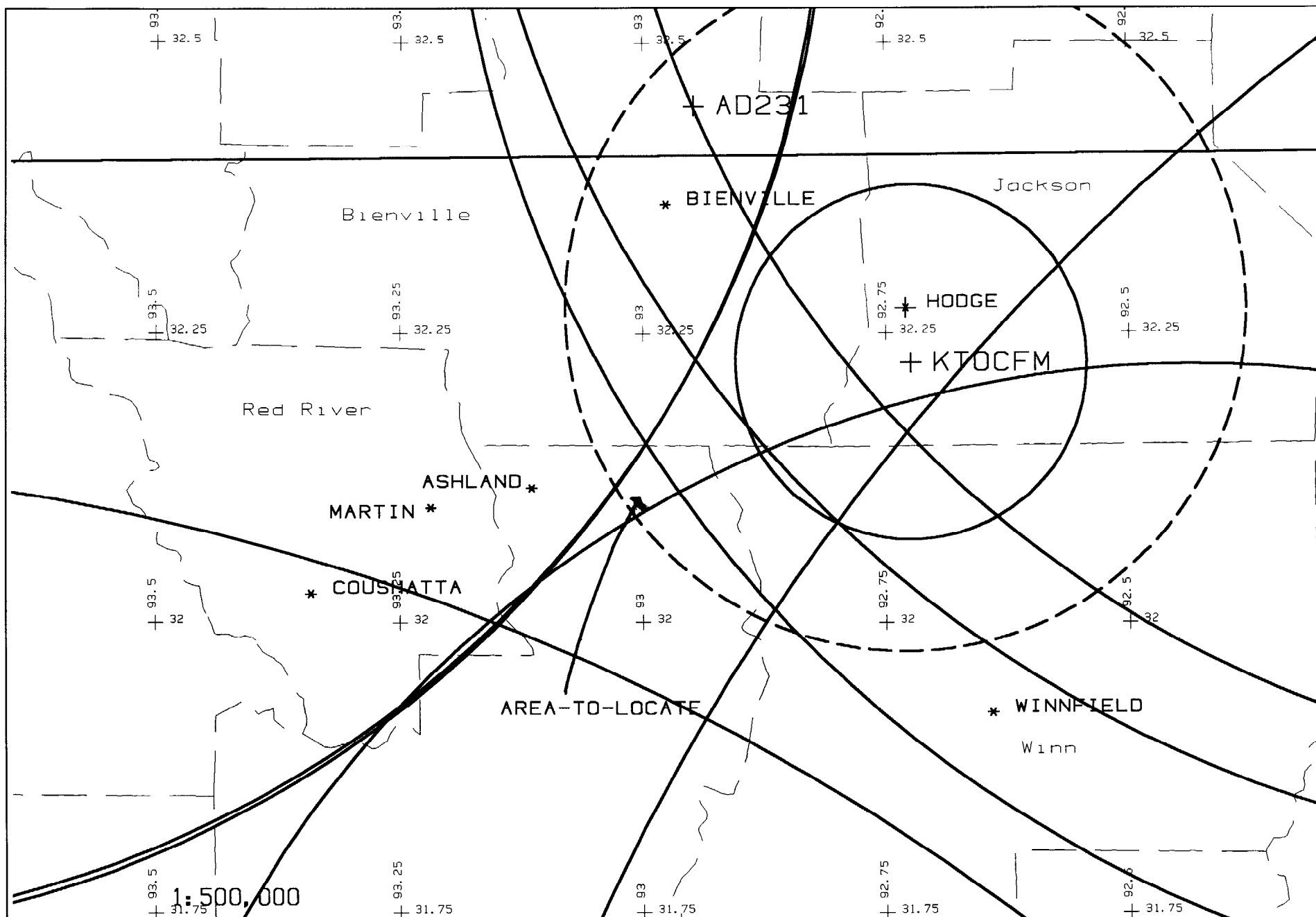
- 1) I am a qualified and experienced broadcast consultant. I have been actively involved in the broadcast industry since 1972 and currently hold a lifetime FCC General Class Radio Telephone License (License No. PG-8-8450).
- 2) I have prepared numerous applications and rule making petitions which have been accepted for filing with the Federal Communications Commission.
- 3) I am the President of Contemporary Communications and have personally prepared the attached Technical Exhibit.
- 4) The Technical Exhibit, of which this deposition is a part, and the measurements, calculations, studies and determinations upon which this report is based, were prepared by me or under my supervision and direction. All material contained therein is believed to be true and correct, to the best of my knowledge and belief.



Larry G. Fuss
Affiant

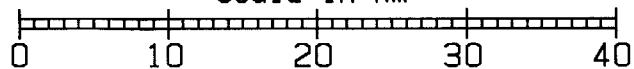


Date



1:500,000

Scale in km



AREA-TO-LOCATE - CH. 231C2
N. Lat. 32 08 20 W. Lng. 92 59 04

EXHIBIT A
HODGE, LA

CONTEMPORARY COMMUNICATIONS
BROADCAST CONSULTANTS

EXHIBIT B

HODGE LOUISIANA
NEW FM DROP-IN SEARCH

| | | |
|------------|------------------|-----------------|
| REFERENCE | CLASS = C2 | DISPLAY DATES |
| 32 08 20 N | Current Spacings | DATA 05-22-99 |
| 92 59 04 W | | SEARCH 05-23-99 |

----- Channel 231 - 94.1 MHz -----

| Call | Channel | Location | Dist | Azi | FCC | Margin |
|----------|-------------------------------|------------|-------------|--------|-------|---------|
| N. Lat. | W. Lng. | Power | HAAT | | | |
| AD231 | AD 231C3 | Arcadia | LA 34.22 | 5.9 | 177.0 | -142.78 |
| 32 26 45 | 92 56 49 | 0.000 kW | 0 M | | | |
| | Houston Christian Broadcaster | | RM9538 | 990517 | | |
| AD230 | AD 230C3 | Bastrop | LA 117.00 | 55.9 | 117.0 | 0.00 |
| 32 43 25 | 91 56 56 | 0.000 kW | 0 M | | | |
| | Midway Broadcasting Company | | RM9339 | 990505 | | |
| KRUF | LI 233C | Shreveport | LA 106.94 | 303.8 | 105.0 | 1.94 |
| 32 40 13 | 93 55 59 | 100.000 kW | 334 M | | | |
| | Progressive United Corporatio | | BLH880314KB | 961104 | | |
| KITT | LI 229C | Shreveport | LA 106.99 | 304.3 | 105.0 | 1.99 |
| 32 40 39 | 93 55 41 | 100.000 kW | 308 M | | | |
| | Multimedia Radio, Inc. | | BLH840607CO | 960318 | | |
| KFAD | LI 230A | Alexandria | LA 109.51 | 151.9 | 106.0 | 3.51 |
| 31 16 04 | 92 26 24 | 6.000 kW | 100 M | | | |
| | FM Broadcasting Corporation | | BLH930223KB | 930610 | | |
| DE230 | DE 230C3 | Bastrop | LA 125.87 | 51.1 | 117.0 | 8.87 |
| 32 50 43 | 91 56 10 | 0.000 kW | 0 M | | | |
| | Midway Broadcasting Company | | RM9339 | 990505 | | |
| | Option 1 | | | | | |
| ALOPEN | AL 230C3 | Bastrop | LA 125.87 | 51.1 | 117.0 | 8.87 |
| 32 50 43 | 91 56 10 | 0.000 kW | 0 M | | | |
| | 87-242 | | | 980324 | | |
| KTOCFM | LI 285C3 | Jonesboro | LA 26.32 | 68.7 | 17.0 | 9.32 |
| 32 13 28 | 92 43 27 | 8.000 kW | 75 M | | | |
| | Jackson Parish Broadcasting | | BLH960605KD | 960906 | | |
| WEMX | LI 231C1 | Kentwood | LA 241.40 | 125.5 | 224.0 | 17.40 |
| 30 51 44 | 90 55 34 | 100.000 kW | 299 M | | | |
| | City Wide Broadcasting Corpor | | BLH930616KA | 961030 | | |
| AD230 | AD 230A | Bastrop | LA 126.23 | 52.9 | 106.0 | 20.23 |
| 32 49 10 | 91 54 29 | 0.000 kW | 0 M | | | |
| | Midway Broadcasting Company | | RM9339 | 990505 | | |
| | Option 1 | | | | | |
| DE232 | DE 232A | Bastrop | LA 126.23 | 52.9 | 106.0 | 20.23 |
| 32 49 10 | 91 54 29 | 0.000 kW | 0 M | | | |
| | Midway Broadcasting Company | | RM9339 | 990505 | | |
| KTRYFM | LI 232A | Bastrop | LA 126.23 | 52.9 | 106.0 | 20.23 |
| 32 49 10 | 91 54 29 | 3.000 kW | 88 M | | | |
| | Jamie Patrick Broadcasting, L | | BLH6141 | 970214 | | |
| KQXYFM | LI 231C1 | Beaumont | TX 244.34 | 203.5 | 224.0 | 20.34 |
| 30 06 56 | 94 00 00 | 100.000 kW | 183 M | | | |
| | Petracom of Beaumont License | | BLH800619AE | 970501 | | |